



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

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New York, NY 10281

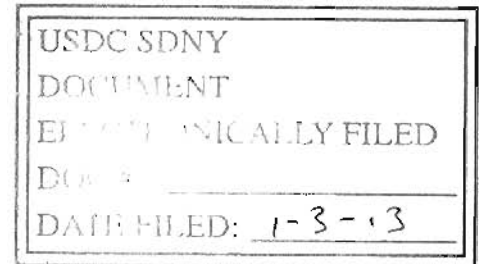
DIVISION OF
ENFORCEMENT

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January 2, 2013

BY EMAIL

The Honorable Paul A. Crotty
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: *SEC v. Harbinger Capital Partners LLC, et al.*, 12-cv-5028 (PAC)
SEC v. Falcone, et al., 12-cv-5027 (PAC)

Dear Judge Crotty:

I write on behalf of plaintiff in the 12-cv-5028 case.

The SEC's opposition to the defendants' motions to dismiss—defendants Harbinger Capital Partners LLC and Philip Falcone filed a motion, and defendant Peter Jenson filed a separate motion—is due this Friday, January 4, 2013. Rather than respond to these motions (whose briefs total 50 pages) separately, plaintiff respectfully requests permission to respond to both defendants' motions to dismiss in the 5028 case with a single brief of 35 pages.

Counsel for all defendants in the 5028 case have consented to this request.

Respectfully submitted,

David Stoelting

cc (via email): David J. Gottesman (SEC counsel in 12-cv-5027)
Matthew S. Dontzin (counsel for Philip A. Falcone)
Leslie Gordon Fagen (counsel for Harbinger entities)
Robert W. Pommer (counsel for Peter A. Jenson)

✓ SO ORDERED: 1-3-13

HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED